

Table of Contents

Proposed Revisions to SIPO's Examination Guidelines Published for Public Comments.....	1
Invention Patent Applications and Grants Filed by Chinese Enterprises Expected to Double in 2015	1
20,000 International Applications under PCT Were Filed in 2012	1
Copyright Registrations Soar	2
SIPO to Protect IPR in Specialized Markets	2
China and the U.S. Working Together on Trademark Issues	2
Audi Triumphs in a Trademark Case.....	3

Proposed Revisions to SIPO's Examination Guidelines Published for Public Comments

The State Intellectual Property Office of China (SIPO) has published proposed revisions to its examination guidelines for public comments. The proposed revisions address optional substantive examination by examiners of utility model and design patents. Many industry groups and governments have expressed concern over the rapid growth in utility model patents', and these changes are presumably intended to address this.

Comments are due by March 18.

<http://www.chinalaw.gov.cn/article/cazjgg/201302/20130200383719.shtml>

Invention Patent Applications and Grants Filed by Chinese Enterprises Expected to Double in 2015

The General Office of the State Council of China released Opinions on Strengthening Corporate Innovative Capacities on February 4th, stipulating that invention patent applications and grants filed by Chinese enterprises are expected to double in 2015.

The objectives included in the Opinions are to establish an enterprise-based, market-oriented innovative system in 2015.

The Opinions also encourage enterprises to conduct international cooperation through patent cross-border licensing and to file international submissions.

http://www.chinaipr.gov.cn/newsarticle/news/governme nt/201302/1729501_1.html

20,000 International Applications under PCT Were Filed in 2012

In 2012, SIPO received a total number of 20,000 international applications under PCT. Fast growth in international applications under PCT reflects that Chinese enterprises start to regard IPR as an important tool in participating the international economic and trade activities and competing in the global markets. The growth in invention holdings for each 10,000 heads reflects positive trends in Chinese IPR development and the gap to realize the target raised in the "12th Five-Year Plan" is narrowed.

http://english.sipo.gov.cn/news/iprspecial/201301/t20130128_784487.html

Copyright Registrations Soar

The National Copyright Administration announced earlier that the total number of copyright registrations in China last year surpassed 800,000. More than 680,000 were copyrights on works of art, an increase of 49 percent over 2011. More than half of the registrations were made in Beijing.

Copyrights filed for proprietary software reached nearly 140,000, an increase of 27 percent, with about 2,000 of the software designs related to cloud computing technologies.

The significant growth of copyright registrations indicated the strengthened creativity, the increased public awareness and the enhanced protection and management capacity of enterprises.

http://www.chinaipr.gov.cn/newsarticle/news/governme nt/201301/1723608_1.html

SIPO to Protect IPR in Specialized Markets

Recently, SIPO released a Notice on Protecting Intellectual Property Rights in Specialized Markets. Given that specialized markets are where most commodities are distributed, effective IPR protection in those markets could help crack down upon counterfeit and shoddy products and strengthen the supervision over micro, small and medium-sized enterprises' IP status.

http://www.chinaipr.gov.cn/newsarticle/news/governme nt/201301/1724760_1.html

China and the U.S. Working Together on Trademark Issues

Chinese Trademark Office (CTMO) and the Trademark Review and Adjudication Board (TRAB) work with the USPTO, a model of successful, sustained technical cooperation. This engagement has led to several positive developments.

CTMO, with the help of the USPTO, has created an online English-language trademark registration to assist companies conducting preliminary searches, as well as has been publishing for its research reports in Chinese and English on the protection of foreign well-known marks. Thanks to these two efforts, foreign companies can now conduct easy, no-cost preliminary trademark searches in English, and they can gain a better understanding of the way China protects well-known marks.

Another notable area of cooperation has been on the topic of bad faith filings, also referred to as "trademark squatting" - the practice of a party intentionally filing for another party's trademark. In the proposed new trademark law of China, one of the key goals is to address the issue of bad faith trademark filing. We will continue to work together with China on this issue.

http://www.uspto.gov/blog/director/entry/working_together_on_chinese_trademark

Audi Triumphs in a Trademark Case

The Beijing High People's Court rendered its final decision on Audi AG's TT trademark case, upholding the first instance decision of the Beijing No.1 Intermediate People's Court, affirming Audi not infringing a trademark holder Mr. Zhang's TT trademark, approving Audi's application for territorial extension protection, and overturning the previous decision made by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce.

On February 16, 2006, Audi filed the TT trademark for registration on products of vehicle, clutch and applied for territorial extension protection. On June, 2010, TRAB held that Audi's TT was similar with Mr. Zhang's TT and denied Audi's application.

Disgruntled Audi brought the case to the Beijing No.1 Intermediate People's Court. The court held that the target market of Audi is the vehicle users and Zhang's target market is vehicle manufacturers, service engineers. There's disparity in product functions, sales channel and target market, and no similarity is constituted. Hence, the court denied TRAB's previous decision.

TRAB brought the case to the Beijing High People's Court. The court then made the above decision.

http://english.sipo.gov.cn/news/iprspecial/201301/t20130128_784488.html